

MILITARY AFFAIRS

Budget Summary							
Fund	2000-01 Base Year Doubled	2001-03 Governor	2001-03 Jt. Finance	2001-03 Legislature	2001-03 Act 16	Act 16 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$38,534,600	\$40,128,100	\$38,772,900	\$38,397,500	38,397,500	- \$137,100	- 0.4%
FED	62,368,000	62,200,900	62,200,900	62,200,900	62,200,900	- 167,100	- 0.3
PR	7,380,400	7,400,800	7,400,800	7,307,400	7,307,400	- 73,000	- 1.0
SEG	<u>952,400</u>	<u>952,400</u>	<u>952,400</u>	<u>952,400</u>	<u>952,400</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$109,235,400	\$110,682,200	\$109,327,000	\$108,858,200	\$108,858,200	- \$377,200	- 0.3%

FTE Position Summary						
Fund	2000-01 Base	2002-03 Governor	2002-03 Jt. Finance	2002-03 Legislature	2002-03 Act 16	Act 16 Change Over 2000-01 Base
GPR	123.65	125.80	125.80	125.80	125.80	2.15
FED	233.88	230.73	230.73	230.73	230.73	- 3.15
PR	<u>28.50</u>	<u>28.50</u>	<u>28.50</u>	<u>28.50</u>	<u>28.50</u>	<u>0.00</u>
TOTAL	386.03	385.03	385.03	385.03	385.03	- 1.00

Budget Change Items

Agencywide

1. STANDARD BUDGET ADJUSTMENTS

Governor/Legislature: Provide adjustments to the base budget totaling \$70,200 GPR, \$92,400 FED and \$10,200 PR in 2001-02 and \$71,200 GPR, \$83,900 FED and \$10,200 PR in 2002-03 and -1.0 FED annually. Adjustments are for: (a) turnover reduction (-\$94,500 GPR and -\$165,500 FED annually); (b) removal of noncontinuing elements from the

Funding Positions		
GPR	\$141,400	0.00
FED	176,300	- 1.00
PR	<u>20,400</u>	<u>0.00</u>
Total	\$338,100	- 1.00

base (-\$33,000 FED in 2001-02 and -\$45,100 FED in 2002-03 and -1.0 FED project position annually); (c) full funding of continuing salaries and fringe benefits (\$109,400 GPR, -\$128,000 FED and -\$42,300 PR annually); (d) reclassifications (\$1,300 GPR and \$5,800 FED in 2001-02 and \$2,300 GPR and \$9,400 FED in 2002-03); (e) BadgerNet increases (\$300 GPR and \$800 FED annually); (f) overtime (\$37,000 GPR, \$318,900 FED and \$42,800 PR annually); (g) night and weekend differential (\$6,300 GPR, \$83,400 FED and \$7,800 PR annually) (h) fifth week of vacation as cash (\$10,400 GPR, \$10,000 FED and \$1,900 PR annually); and (i) minor offsetting transfers within the same appropriation.

2. NATIONAL GUARD TUITION GRANT PROGRAM [LFB Paper 605]

	Governor (Chg. to Base)	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
GPR	\$1,653,200	- \$1,406,300	- \$148,800	\$98,100

Governor: Modify the National Guard Tuition Grant program, as follows:

Funding for Increased National Guard Tuition Grant Program Utilization. Provide \$687,900 in 2001-02 and \$965,300 in 2002-03 to fund anticipated increases in utilization of the National Guard Tuition Grant program. The Department projects an increased demand for the program based on a rising membership in the Wisconsin National Guard, projected tuition increases and greater utilization of tuition grants as a result of increasing the tuition reimbursement rate from 50% to 100% under 1997 Wisconsin Act 27. Some 3,689 tuition grants were awarded during 1999-00 at a cost of \$3,737,600. The program is funded under a biennial appropriation. Base level funding in the appropriation is \$3,589,400 annually.

Definition of a Qualifying Institution of Higher Education. Clarify that for the purposes of the National Guard Tuition Grant program, qualifying accredited institutions of higher education would be those defined under 20 U. S. Code 1002, which defines such institutions for federal student financial assistance purposes. This federal definition specifies the characteristics of an institution of higher education and also references proprietary schools of higher education, postsecondary vocational institutions and institutions of higher education outside the United States that are comparable to a qualifying institution of higher education.

Under current law, eligible schools for purposes of the program are the extension and any campus of the UW System, a technical college or an accredited institution of higher education, as defined by rule by the Higher Educational Aids Board (HEAB). To date, HEAB has not promulgated this rule.

Joint Finance: Limit National Guard Tuition Grant reimbursements to \$1,000 per semester (\$500 for summer school) for full-time study, first effective for the fall semester of 2001. Direct the Department to promulgate rules establishing a methodology for determining the amount of the grant for students engaged in part-time study or who attend schools trimester or

other types of academic calendars. Delete \$564,100 in 2001-02 and \$842,200 in 2002-03 to reflect these changes.

Assembly: Provide an additional \$295,100 in 2001-02 and \$562,200 in 2002-03 to reflect the restoration of National Guard Tuition Grant reimbursements at the current law rate of 100% of actual tuition but not more than 100% of the maximum undergraduate resident tuition charged by the UW-Madison for a comparable number of credits, rather than a maximum of \$1,000 per semester (\$500 for summer school).

Conference Committee/Legislature: Modify Assembly provision by deleting \$160,800 in 2001-02 and by providing \$12,000 in 2002-03 to reflect setting National Guard Tuition Grant reimbursements at 100% of actual tuition but not more than 85% of the maximum undergraduate resident tuition charged by UW-Madison for a comparable number of credits, first effective for courses completed after September 1, 2001.

Veto by Governor [E-31]: Delete the National Guard Tuition Grant reimbursement rate modification, thereby retaining the current law reimbursement rate of 100% of actual tuition, but not more than 100% of the maximum undergraduate resident tuition charged by UW-Madison for a comparable number of credits.

[Act 16 Section: 1024]

[Act 16 Vetoed Sections: 1024c, 9336(2gk) and 9436(1gk)]

3. RESTRICTIONS ON THE USE OF NATIONAL GUARD TUITION GRANTS

Joint Finance: Require individuals who receive a National Guard tuition grant and become separated for cause from the National Guard to repay all tuition grant reimbursement amounts received from DMA during the term of the enlistment contract. Specify that "separation for cause" means misconduct as defined in military rules and regulations of the National Guard or absence without leave for more than nine unit training assemblies. Establish this provision as an exception to the current law limit of 12 months after the receipt of a grant during which time DMA may require the repayment of a tuition grant if the recipient fails to meet National Guard service eligibility criteria. Authorize DMA to enter into an agreement with the Department of Revenue to collect such repayments through the tax intercept program and require the Department of Revenue to send any intercepted tax refunds or credits to DMA.

Senate: Create additional limitations and eligibility restrictions that: (a) specify that an individual who is a member of the U. S. armed forces, including the National Guard for 10 years or more would be ineligible for a grant; (b) specify that an individual who did not maintain a minimum grade point average of 2.0 or an average grade of "C" during the semester for which reimbursement is requested would be ineligible for a grant for that semester; (c) require the application for reimbursement to include a certification of the applicant's grade

point average or grade; (d) establish a transitional provision specifying that any person who joins the National Guard after the general effective date of the biennial budget act would be eligible for a tuition reimbursement grant for courses taken only at the extension or any campus of the University of Wisconsin System, a public institution of higher education subject to the Minnesota-Wisconsin student reciprocity agreement; and any Wisconsin technical college; and (e) specify that these academic institution course eligibility criteria would become applicable to all National Guard members after June 30, 2005.

Assembly: Specify that any person who joins the National Guard after the general effective date of the biennial budget act would be eligible for a tuition reimbursement grant for courses taken only at the extension or any campus of the University of Wisconsin System, a public institution of higher education subject to the Minnesota-Wisconsin student reciprocity agreement; and any Wisconsin technical college. Specify that a member of the National Guard could continue to receive a tuition reimbursement grant for attendance at an accredited institution of higher education outside the state, if the National Guard member was enrolled in the institution prior to the effective date of this provision.

Conference Committee/Legislature: Modify Senate provision by deleting the restriction limiting eligibility for reimbursement grants for persons joining the National Guard after the general effective date of the biennial budget act but before June 30, 2005. During this transition period, new National Guard members would have been eligible for a tuition reimbursement grant for courses taken only at the extension or any campus of the University of Wisconsin System; a public institution of higher education subject to the Minnesota-Wisconsin student reciprocity agreement; and any Wisconsin technical college.

Veto by Governor [E-31]: Delete program limitations and eligibility restrictions: (a) making an individual who was a member of the U. S. armed forces, including the National Guard for 10 years or more, ineligible for a reimbursement grant; and (b) limiting eligible schools for tuition grant reimbursement purposes after June 30, 2005, to the extension or any campus of the University of Wisconsin System, a public institution of higher education subject to the Minnesota-Wisconsin student reciprocity agreement and any Wisconsin technical college.

[Act 16 Sections: 1024bi, 1024bk, 1024e, 1024i and 2200cm]

[Act 16 Vetoes Sections: 1024bg and 1024m]

4. BASE BUDGET REDUCTIONS [LFB Paper 245]

	Governor (Chg. to Base)	Legislature (Chg. to Gov)	Net Change
GPR	- \$768,200	\$153,600	- \$614,600

Governor: Reduce the agency's largest GPR state operations appropriation by \$384,100 annually. This amount was derived by applying a 5% reduction to \$7,681,500 [state operations adjusted base level funding, less debt service and fuel and utilities costs]. Include session law language permitting the agency to submit an alternative plan to the Secretary of Administration for allocating the required reduction among its sum certain GPR appropriations for state operations. Provide that if the Secretary of DOA approves the alternative reduction plan, the plan must be submitted to the Joint Committee on Finance for its approval under a 14-day passive review procedure. Specify that if the Secretary of DOA does not approve the agency's alternative reduction plan, the agency must make the reduction to the appropriation as originally indicated.

Joint Finance: Modify the provision by providing that the agency may submit a request to the Joint Committee on Finance under s. 13.10 to reallocate any of the reductions to other sum certain GPR appropriations for state operations made to the agency.

Senate: Delete provision.

Conference Committee/Legislature: Restore provision, as modified by Joint Finance, but provide an additional \$76,800 annually and require a 4% base level reduction rather than a 5% reduction to the agency's state operations appropriations. Specify that any alternative plan submitted to the Joint Committee on Finance could not reallocate funding reductions to the Badger Challenge program.

Veto by Governor [E-32]: Delete provision prohibiting the Department from reallocating funding reductions to the Badger Challenge program.

[Act 16 Section: 9159(1)(a)&(b)]

[Act 16 Vetoed Section: 9159(1)(b)]

5. FUEL AND UTILITY COST INCREASES

GPR	\$468,800
-----	-----------

Governor/Legislature: Provide \$348,100 in 2001-02 and \$120,700 in 2002-03 for increased fuel and utility costs at agency facilities.

6. YOUTH CHALLENGE PROGRAM STATE MATCH REQUIREMENT

Funding Positions		
GPR	\$343,400	2.15
FED	<u>- 343,400</u>	<u>- 2.15</u>
Total	\$0	0.00

Governor/Legislature: Provide \$171,700 GPR and -\$171,700 FED annually and 2.15 GPR and -2.15 FED positions annually to comply with provisions of the 1998 Defense Appropriation Act, which increases the required amount of state matching funds for the Youth Challenge program from 65% FED/35% GPR in the 2000-01 fiscal year to 60% FED/40% GPR in the 2001-02 fiscal year and thereafter. The

current base level of funding for the program is \$1,008,000 GPR and \$1,875,900 FED annually and 15.05 GPR positions and 27.95 FED positions.

7. DEBT SERVICE REESTIMATE [LFB Paper 266]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	- \$245,100	\$251,100	\$6,000

Governor: Reestimate the agency's debt service costs related to National Guard facilities operated by the Department by -\$8,700 in 2001-02 and -\$236,400 in 2002-03.

Joint Finance/Legislature: Reestimate the Department's debt service costs by \$126,200 in 2001-02 and \$124,900 2002-03.

8. CREATION OF A WISCONSIN NAVAL MILITIA [LFB Paper 606]

Governor: Create a Wisconsin naval militia under the command and control of the Governor acting through the Department's Adjutant General, as follows:

Composition of Naval Militia. Provide that the Wisconsin naval militia would consist of members or former members of the U. S. Naval, Coast Guard or Marine Corps reserve, enlisted or appointed, who also join the Wisconsin naval militia. Specify that the members and units of this new entity would be under the command and control of the Governor through the Adjutant General. Establish the primary purpose of the naval militia as responding to the call of the Governor to support the state during times of natural disaster, state emergency, domestic disorder or other public service missions. Require the Adjutant General to establish the structure and units of the naval militia, subject to the approval of the Governor.

Assistant Adjutant General for Readiness and Training for the Naval Militia. Specify that the military staff of the Governor would be expanded to include an Assistant Adjutant General for Readiness and Training for the Naval Militia, who must hold the rank of Rear Admiral Lower Half or Brigadier General, depending on the branch of service. Specify that the new Assistant Adjutant General would be appointed by the Adjutant General, with the consent of the Governor, for a three-year period and could be reappointed. Stipulate that appointment of this Assistant Adjutant General would not be conditioned upon current membership in any of the U. S. armed forces reserves, but the individual would have to be a member of a U. S. reserve component or separated from the military under honorable conditions. Specify that this new position would be assigned to the state unclassified service. No position authorization or funding for an Assistant Adjutant General for Readiness and Training for the Naval Militia is provided in the bill.

Naval Militia Units and Members Generally Made Subject to the Same Policies and Procedures Currently Applicable to the Wisconsin National Guard. Specify that the Wisconsin naval militia would be administered by the Department and would generally be subject to the same requirements of Chapter 21 of the statutes that govern members of the Wisconsin National Guard.

These provisions include the following. The Department would be responsible for providing facilities and any other available support and all administration needs for the naval militia. The Department would be authorized to rent these facilities to the naval militia when the facilities are not in use. The Adjutant General would be required to issue all necessary supplies, and arrange for their purchase and transportation. All subsistence would be supplied while on active duty. The naval militia would be provided with all necessary physical exams, inoculations and medical supplies. The Governor would be authorized to receive arms and military equipment from the U.S. government for a naval militia. The uniform of the naval militia would be consistent with the member's branch of service.

Specify that members of the naval militia on active duty in the state under orders of the Governor on a state basis would receive pay equal to their pay grade in the U. S. armed forces, including allowances and that the base pay could not be less than \$50 per day. Members of the Governor's military staff on such duty would receive the pay, but not the allowances, of an officer of equal grade in the U. S. armed forces. The Governor would be authorized to order the naval militia to assemble for regular and specialty training. Pay and allowances for attendance at these schools would be set by the state or federal government.

Provide that members of the naval militia would be entitled to leaves of absence from state service, without loss of time served, to attend military school and annual field training or annual federal tours of active duty. Establish that membership in the naval militia would be subject to the state nondiscrimination statutes, to the extent allowed by federal law and regulations. Specify that naval militia members while in state service are employees for worker's compensation purposes. Authorize the payment of a death benefit of at least \$50,000 to dependents of a deceased member of the naval militia who died while performing required services.

Any member of the naval militia failing to carry out orders, or failing to appear for duty as ordered, would be subject to the Wisconsin Code of Military Justice. Any member of the naval militia subject to prosecution arising from acts performed while on military duty, and in pursuance of that military duty would be defended at state expense and any judgments ordered to be paid would be funded from a sum sufficient appropriation under Program Supplements used for the payment of judgments against the state and its officers and agents.

A GPR sum sufficient appropriation under the Department would modified in order to permit its use in funding the naval militia to defray its expenditures necessary for the defense of the state during war, riot, natural disaster, great public emergency.

Senate: Delete provision.

Assembly: Restore provision.

Conference Committee/Legislature: Delete provision.

9. BADGER CHALLENGE PROGRAM MORATORIUM

GPR	- \$280,200
PR	- 93,400
Total	- \$373,600

Assembly: Delete \$280,200 GPR and \$93,400 PR annually to reflect the suspension of the Badger Challenge program. Make permissive the current law requirement that the Department administer the Badger Challenge program. Specify that the current requirement that the Department promulgate rules for the administration of the Badger Challenge program would only apply if the Department chooses to operate the program.

Conference Committee/Legislature: Modify Assembly provision by deleting Badger Challenge funding for 2001-02 only. Restore \$280,200 GPR and \$93,400 PR in 2002-03 for the program. [See Health and Family Services -- Economic Support and Child Care for associated federal funding changes relating to the Badger Challenge program moratorium.]

[Act 16 Section: 1013m]

Emergency Management

1. REIMBURSEMENT OF HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAMS AS A RESULT OF THE POTENTIAL RELEASE OF HAZARDOUS SUBSTANCES

Governor/Legislature: Require the agency's Division of Emergency Government to promulgate rules establishing a procedure that Level A regional emergency response teams and Level B local emergency response teams must follow to determine if an emergency that requires a response exists as a result of a Level A or Level B hazardous materials release or potential release. Provide that any person who possessed or controlled the hazardous substances involved in the emergency release or potential release and who caused the emergency would be required to reimburse the Division for the costs incurred by the emergency response teams, where the teams followed the procedures established by the Division in the new rules. Specify that the Division would be required to reimburse a Level A or Level B emergency response team if the teams followed the procedures established under the new rules. Reimbursements would be limited to the amounts collected from the person responsible for the hazardous

materials release or potential release and the amounts appropriated to the Division under a GPR-funded continuing appropriation for such purposes. The current available balance in this appropriation is \$44,600 GPR. No additional amounts are provided to this appropriation under the bill.

Provide a statutory definition of regional emergency response teams and county emergency response teams, which are uniformly designated as "local emergency response teams." Delete certain references to discharges since the emergency response teams would be responding to hazardous materials emergencies where there is a potential for a materials release rather than an actual discharge and since reimbursements would newly be available for such potential releases. Specify that these modifications would first apply to releases or potential releases of hazardous materials that occur on or after the general effective date of the biennial budget act.

Under current law, regional emergency response teams have been established to respond to "Level A" releases in their area. A "Level A" release is a release of a hazardous substance that necessitates the highest level of protective equipment for the skin and respiratory systems of emergency response personnel. Currently, county emergency response teams are required to respond to "Level B" releases. A "Level B" release is a release of a substance that necessitates the highest level of protective equipment for the respiratory systems of emergency response personnel but less skin protection than a "Level A" release. Currently, the Division reimburses the emergency response teams for the net unreimbursed costs of responding to an actual release of hazardous materials. Reimbursements are not currently available where an emergency response team responds to an event where there is the potential for a release of hazardous materials, but none actually occurs. Also under current law, the person who owns or controls the hazardous materials, who is responsible for their release and who is financially able to reimburse the response teams for their expenses must reimburse those expenses.

[Act 16 Sections: 2863 thru 2881, 3864, 3865 and 9336(1)]

2. REIMBURSEMENT OF CERTAIN COUNTY AND MUNICIPAL WORKER'S COMPENSATION AND LIABILITY COSTS DUE TO EMERGENCY MANAGEMENT ACTIVITIES [LFB Paper 610]

Governor: Modify the source of funding for reimbursements of certain worker's compensation benefits, awards for injuries to others and losses from the destruction of equipment incurred by a county or municipality that is engaged in emergency management activities. Specify that if the total amount of such costs and liabilities exceeds \$1 per capita for the jurisdiction's population, the state would reimburse the county or municipality from an existing Program Supplements GPR-funded sum sufficient appropriation for the payment of judgments against the state and its officers, rather than from the appropriation currently used: the Division of Emergency Government's GPR-funded sum certain general program operations appropriation. Modify the statutory purposes of the Program Supplements sum sufficient

appropriation to authorize payments for these worker's compensation benefits and the indemnification of counties and municipalities. No funding adjustments would be made to either of these appropriation as a result of these proposed modifications.

Joint Finance/Legislature: Delete provision.

3. TREATMENT OF REIMBURSEMENTS RECEIVED UNDER THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Governor/Legislature: Create a PR-funded, annual appropriation to which would be credited all reimbursements from other states and territories for any losses, damages or expenses incurred by the Division of Emergency Government in those jurisdictions when the Division provides emergency assistance under terms of the interstate Emergency Management Assistance Compact [s. 166.30 of the statutes]. Modify an existing PR-funded annual intergovernmental services appropriation to provide for parallel treatment for reimbursements received from such jurisdictions when the emergency assistance is provided by units or members of the Wisconsin National Guard. Under the terms of the Compact, any participating state requesting emergency assistance is responsible for losses, damages and expenses incurred by other states that provide requested emergency assistance. No new or additional expenditure authority would be provided under either of these appropriations in connection with these proposed changes.

[Act 16 Sections: 777 and 780]

4. CONSOLIDATION OF EMERGENCY MANAGEMENT ADMINISTRATION APPROPRIATIONS

Governor/Legislature: Repeal the agency's hazardous substance emergency response administration appropriation and transfer base level funding of \$92,400 GPR and 1.5 GPR positions associated with this appropriation to the agency's emergency management services general program operations appropriation. Clarify the statutory purpose of this latter appropriation by deleting redundant language relating to its use to support of central administrative services of the agency.

[Act 16 Sections: 778 and 779]

5. EMERGENCY RESPONSE EQUIPMENT FUNDING [LFB Paper 611]

GPR	- \$200,000
-----	-------------

Joint Finance/Legislature: Delete \$100,000 annually of base level funding from the DMA's emergency response equipment appropriation. In recent fiscal years, the Department

has either lapsed or transferred for other purposes \$100,000 or more annually from this appropriation.

6. HELICOPTER SUPPORT SERVICES GRANTS

GPR	- \$100,000
-----	-------------

Assembly: Repeal the helicopter support services grant program and associated appropriation and delete base level funding of \$150,000 annually. Delete the requirements that the Governor: (a) enter into a contract with the Milwaukee County for helicopter support services; and (b) make payments to the Milwaukee County sheriff for the provision of helicopter support services relating to boating safety, disaster assistance, drug interdiction assistance, fire fighting assistance, law enforcement assistance, search and rescue operations and traffic control operations to public safety agencies.

Conference Committee/Legislature: Modify Assembly provision by restoring the helicopter support services grant program and associated appropriation but at a revised funding level of \$100,000 annually, rather than \$150,000 annually.